

MEMO ENDORSED

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August 10, 2007

VIA FACSIMILE (with permission) (212 805-7908)

Honorable Thomas P. Greisa
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

USDC SDNY
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Re: Calvin Jones v. City of New York 07 CV 3850 (TPG)

Your Honor:

I am the Assistant Corporation Counsel assigned to the defense for defendant City of New York with respect to the above-referenced matter, in which plaintiff alleges that he was subjected to excessive force by the defendants. Defendant City respectfully requests that its time to respond to the complaint be extended for forty-five (45) days from the current due date of August 13, 2007 until September 27, 2007. This is the second such request. Plaintiff's counsel has consented to this request.

There are several reasons for seeking an enlargement of time. First, defendants have sent to plaintiff's counsel a release for sealed records pursuant to NYCPL §160.50 so that defendants may obtain police and criminal court records concerning plaintiff. While plaintiff has not yet returned an executed release, counsel for plaintiff has assured me he will forward the release early next week. Once the records are obtained, this office will most likely be in a position to respond properly to the allegations in the complaint.

Additionally, upon information and belief, the individual defendants¹ still have not yet been served with the summons and complaint. This extension will provide plaintiff the time to serve the individuals officers and provide time for this office to make a representational decision if they are properly served in the future. *See Mercurio v. The City of New York et al.*, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting *Williams v. City of New York et al.*, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

¹ This office does not yet represent the individual defendants.

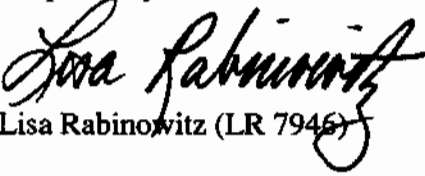
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Accordingly, we respectfully request that defendant City's time to respond to the complaint be extended until September 27, 2007.

Thank you for your consideration herein.

Respectfully submitted,



Lisa Rabinowitz (LR 7946)

cc: Stoll & Glickman, LLP
(via fax 718-852-3586)